UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,689	12/10/1999	RYO FUJIMOTO	35.G2512	9176

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/458,689	FUJIMOTO ET AL.
	Examiner	Art Unit	
	Sathyanarayan Pannala	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 December 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5-12,14-20,22-29,31-37,39-46 and 48-60</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5-12,14-20,22-29,31-37,39-46 and 48-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other:

DETAILED ACTION

1.   Applicant's Amendment filed on 12/30/2004 has been entered with amended

claims 1, 10 and 27 and added claim 60. Claims 1-3, 5-12, 14-20, 22-29, 31-37, 39-46

and 48-60 are pending in this Office Action.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
>
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1,10 and 27 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The amended limitation of claims 1, 10 and 27

"a state that interrelates at least one object within the single image with at least one

other object within the single image" is vague from understanding or interpretation point

of view and it is a burden to the Examiner. Hence, the limitation needs to be more clear

and specific for better examination.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
>
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5.   Claims 1-3, 5-12,14-20, 22-29, 31-37, 39-46 and 48-60 are rejected under 35

U.S.C. 102(a) as being anticipated by Hoffman (US Patent 5,761,655).

6.   As per independent claims 1, 18, 35, 58, 60, Hoffman teaches a system to store,

retrieve and display images of thumbnail size. The size of the thumbnails displayed can

be changed to allow visually reviewing a large number or concentrating on a smaller

number of but larger size images after reduction in the umber of thumbnails.

Thumbnails as well as other image files and other related text files are indexed and

searched using keywords. The search can be performed using personalized super-

keywords, which are combinations of keywords and other file and data characteristics

as keywords (col. 4, lines 8-21). Hoffman teaches the claimed "image storage means

for storing a plurality of images" as the system reduces the original image size to the

thumbnail image and stores the color data in the record (Fig. 2, col. 6, lines 18-21).

Further, Hoffman teaches the claimed "selecting means for selecting a single image

form the plurality of images" as the image files are retrieved, by conventional systems,

thumbnails are created and displayed (Fig. 1, col. 5, lines 64-66). Further, Hoffman

teaches the claimed "input means (examiner interpreted input as clicking on keywords

from Hoffman) [see Fig. 15, col. 11, lines 19-23] for inputting relevant information

(examiner interpreted relevant information as pixel data from Hoffman) [see Fig. 3,

col. 6, lines 43] concerning a plurality of objects within single image, wherein the

relevant information include a word describing a state that interrelates at least one

object within the single image with at least one other object within the single image" as

using the mouse or keyboard, keywords from the list are selected and the system

copies 126 the pixel value from the original image (Fig. 2-3, 7, 15, col. 41-52; col. 11,

lines 15-23). Finally, Hoffman teaches the claimed "memory means for storing the

relevant information input said input means in association with the single image" as the

closest match is saved 172 as the pixel in the thumbnail image (at Fig. 5, col. 7,

lines 2-14).

7.   As per dependent claims 2, 19, 36, Hoffman teaches the claimed "the relevant

information includes at least one of a general name of an object, a qualifier therefor, a

proper in thereof, and a position thereof" as the system allows the user to indicate

number of keywords matching and as well as designating certain keywords as must

match keywords (Fig. 15, col. 11, lines 15-23).

8.   As per dependent claims 3, 20, 37, Further, Hoffman teaches the claimed "the

relevant information includes information expressing a state (examiner interpreted state

as color from Hoffman) [see Fig. 15, col. 11, line 23] of an object in the single image" as

a color selection 406 of screen 400 allows the colors of the image to be selected using color boxes (Fig. 15, col. 11, lines 23-25).

9.   As per dependent claims 5, 22, 39, Hoffman teaches the claimed "a plurality of words can be specified as the qualifier" as keyword selection section 402 allows the user to indicate number of matches (Fig. 15, col. 11, lines 15-18).

10.   As per dependent claims 6, 23, 40, Hoffman teaches the claimed "input means includes position designating (examiner interpreted designating as must match from Hoffman) [see Fig. 15, col. 11, line 21] means designating a position of an object in the single image, and display means for displaying an input window used to input relevant information concerning the object at the designated position" as one of the keyword selected is allowed to indicate as a must match keyword 415 by must match key depressed (Fig. 15, col. 11, lines 19-23).

11.   As per dependent claims 7, 24, 41, Hoffman teaches the claimed "the position designating means designates positions of two mutually-related objects in the single image" as the must match keyword will indicate the closely related to the image in comparison to other selected key words (Fig.15, col. 11, lines 19-23).

12.   As per dependent claims 8, 25, 42, Hoffman teaches the claimed "retrieval requirement input means for inputting requirements for retrieval, and image retrieving means for retrieving images that meet the requirements for retrieval inputted by said

retrieval requirement input means" as the disclosure is designed to allow fast matching

of m out of n keywords (Fig. 15, col. 11, lines 39-48).

13.   As per dependent claims 9, 26, 43, Hoffman teaches the claimed "input means

inputs supplementary information including at least one of imaging-related information

of the single image, special object information thereof, category formation thereof,

impression information thereof, time information thereof, place information thereof,

weather information thereof, and event information thereof" as three databases are

involved in the keyword search and disclosed in detail (at Fig. 16, col. 11, lines 49-64).

14.   As per independent claims 10, 27, 44, 59, Hoffman teaches a system to store,

retrieve and display images of thumbnail size. The size of the thumbnails displayed can

be changed to allow visually reviewing a large number or concentrating on a smaller

number of but larger size images after reduction in the umber of thumbnails.

Thumbnails as well as other image files and other related text files are indexed and

searched using keywords. The search can be performed using personalized super-

keywords, which are combinations of keywords and other file and data characteristics

as keywords (col. 4, lines 8-21). Hoffman teaches the claimed "image storage means

for storing a plurality of images" as the system reduces the original image size to the

thumbnail image and stores the color data in the record (Fig. 2, col. 6, lines 18-21).

Further, Hoffman teaches the claimed "memory means for storing identification

information concerning a plurality of objects contained in a single image stored in said

storage means in association with relevant information (examiner interpreted relevant

information as pixel data from Hoffman) [see Fig. 3, col. 6, lines 43] concerning the

plurality of objects, wherein the relevant information includes a word (examiner

interpreted word as must match keyword from Hoffman) [see Fig. 15, col. 11,

lines 19-20] describing a state that interrelates at least one object within the single

image with at least one other object within the single image" as using the mouse or

keyboard, keywords from the list are selected and the system copies 126 the pixel value

from the original image (Fig. 2-3, 7, 15, col. 41-52 and col. 11, lines 15-23). Further,

Hoffman teaches the claimed "retrieval requirement input means for inputting

requirements for retrieval" as the invention allow fast match of m out of n keywords

when hundreds of thousands of files are being managed and provides a unique method

of searching keyword data (Fig. 15, col. 11 lines 39-43). Finally, Hoffman teaches the

claimed "retrieving means for retrieving an image that meets the requirements for

retrieval inputted by said retrieval requirement input means based on the relevant

information stored in said memory means" as a dominant color and original height and

width allow index search on three criteria (Fig. 7A col. 8, lines 56-59).

15.   As per dependent claims 11, 28, 45, Hoffman teaches the claimed "wherein the

relevant information includes at least one a general name of an object, a qualifier

therefor, a proper noun thereof, and a position thereof" as the system allows the user to

indicate number of keywords matching and as well as designating certain keywords as

must match keywords (Fig. 15, col. 11, lines 15-23).

16.   As per dependent claims 12, 29, 46, Hoffman teaches the claimed "wherein the

relevant information includes information pressing a state (examiner interpreted state as

color from Hoffman) [see Fig. 15, col. 11, line 23] of an object in the single image" as a

color selection 406 of screen 400 allows the colors of the image to be selected using

color boxes (Fig. 15, col. 11, lines 23-25).

17.   As per dependent claims 14, 31, 48, Hoffman teaches the claimed "the qualifier

is compromise of a plurality of words can be specified as the qualifier" as keyword

selection section 402 allows the user to indicate number of matches (Fig. 15, col. 11,

lines 15-18).

18.   As per dependent claim 15, 32, 49, Hoffman teaches the claimed "further

comprising a position designating means for designating a position of an object of

interest in the single image, and display means for displaying an input window used to

input the relevant information concerning the object at the designated position" as one

of the keyword selected is allowed to indicate as a must match keyword 415 by must

match key depressed (Fig. 15, col. 11, lines 19-23).

19.   As per dependent claim 16, 33, 50, Hoffman teaches the claimed "wherein said

position designating means designates positions of two mutually-related objects in the

single image" as the must match keyword will indicate the closely related to the image in

comparison to other selected key words (Fig.15, col. 11, lines 19-23).

20.   As per dependent claim 17, 34, 51, Hoffman teaches the claimed "wherein said

input means inputs supplementary information including at least one of imaging-related

information of the single image, special object information thereof, category information

thereof, impression information thereof, time information thereof, place information

thereof, weather information thereof, and event information thereof" as three databases

are involved in the keyword search and disclosed in detail (at Fig. 16, col. 11,

lines 49-64).

21.   As per dependent claim 52-57, Hoffman teaches the claimed "the relevant

information is textual information" as the reminder of the space of the screen 210 to be

used for text or other data, which needs to be combined with the images (Fig. 9, col. 9,

lines 9-13).

Response to Arguments

22.   Applicant's arguments filed on 12/30/2004 have been fully considered but they

are not persuasive and details as follows:

    a)   Applicant's argument stated as "regarding claim1, the Office Action

    mistakenly assumes that 'relevant information' in the claim equates to 'pixel data'

    as used in Hoffman."

        In response to the Applicant's argument, Examiner respectfully disagrees

    because the relevant information pertaining to the image and the claim limitation

    states as relevant information includes a word, Hoffman do teach writing text

pertaining to images (Fig 9, col. 9, lines 9-13) and additionally teaches keywords

pertaining to images for faster search (Fig. 14, col. 11,lines 49-52).

b)   Applicant's argument stated as "with regard to claims 6,23, and 40, the

Office Action appears to have misconstrued Hoffman as suggested that 'must

match' keywords are equivalent to 'position designating means' recited by

Applicants."

In response to the Applicant's argument, Examiner respectfully disagrees

because the applicant is expecting the same words from the prior art instead of

looking at the concept. Must match keyword means that the word is pertaining to

the image or it is a part of the image it describes as in the image. A recitation of

the intended use of the claimed invention must result in a structural difference

between the claimed invention and the prior art in order to patentably distinguish

the claimed invention from the prior art. If the prior art structure is capable of

performing the intended use, then it meets the claim. In a claim drawn to a

process of making, the intended use must result in a manipulative difference as

compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235

(CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA

1963).

Conclusion

23.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sathyanarayan Pannala
Examiner
Art Unit 2167

srp
May 9, 2005

CHETA ROBINSON
PRIMARY EXAMINER